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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1112 OF 2003

The State of Maharashtra ...Appellant

v/s.

Smt. Sheela Ravi More & 4 ors. ...Respondents

Mr. P.A.Pol, APP for the State

CORAM : B.H.MARLAPALLE,J.
DATED : 19th October, 2007

P.C.

Heard Mr. Pol Learned APP. This is an appliation seeking leave to appeal under section 378(3) of Criminal Procedure Code (Cr.P.C. for short) against the order of acquittal passed by the learned IVth Additional District Judge, Thane on 13-3-2003 in Sessions case no. 168/2002. The present respondent/accused were tried for the offence punishable under section 3(i)(X) Section 4 clause (X) of Schedule caste and Schedule Tribes (Prevention of Atrocities) Act and also under section 448 and 452 of IPC read with section 7(i)(a)(b)&(d) of Protection of Civil Rights Act, 1955. The learned Additional Sessions Judge do not find any reliable evidence insupport of the prosecution case and,therefore, the case was dismissed and the accused were acquitted.

2. The incident, as per the prosecution, is stated to have taken place on 2-5-1999. It appears the Complainant was married to a lady by name Suman who was initially his maid servant and the Complainant belongs to schedule caste but she was subsequently disallowed. She tried to make a forcible entry into the flat of the complainant and it appears that accused were sympathetic with the cause of suman and they were supporting her. The complainant went to accused persons who run a social organisation and enquired as to why Suman was being provoked with trespass into his house and on that the accused no. 1 alleged to have uttered the words "Ka Re Mahardya Aaj Ala Kay? tham tuzi wat lavate. Tu Mahar Jasta Var Chadala Aahe, ani jasta jada Zala, Thamb ata me tula Khali Chechta"

3. On the incident of 2-5-1999 for the first time the complaint with the police came to be lodged on 14-1-2000 and with the Commissioner of Police at Thane on 13-1-2000. Copies of complaint were subsequently sent to Chief Secretary and various other senior officers in the State Government on 5-2-2000. Though the prosecution examined more than six witnesses, apart from the Complainant none of the witnesses supported the allegations and, therefore, the allegations made by the Complainant could not be accepted. In addition

admittedly the incident alleged to have taken place that the complainant was abused in the words of his caste, had not taken place in the public view or at public place.

4. I am,therefore, satisfied that the reasonings set out by the trial Court insupport of the order of acquital does not require reconsideration at the hands of this Court. Hence, leave to appeal is refused and the application is rejected.

5. Criminal Revision application no.425/2006 be listed for admission after one week.

[B.H.MARLAPALLE,J.]